

1 NEWPORT PLACE Street
ATLANTA, GA 30318 City/state/zip
U.S.A Country
8/8/2013 Date

RECEIVED AND FILED
2013 AUG 28 PM 4:19

CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, PR

HON. AIDA M. DELGADO-COLÓN, CHIEF JUDGE

Puerto Rico District Court

Federico Degetau Federal Building

150 Carlos Chardon Avenue, Room 150

San Juan, Puerto Rico 00918

Re: Proposed opening statement of Brett Jones-Theophilious #41299 069

Dear HON. AIDA M. DELGADO-COLÓN,

Attached is the proposed opening statement that Brett Jones-Theophilious will be delivering to the court when his legal and constitutional rights are observed and he is given a trial in your court. My intention is to ensure that you focus your attention on the annexed document.

Sincerely

Garth Alleyne Signature

GARTH ALLEYNE All Caps Name

THE CAUSE

Hello. I am Brett. No other trial has ever been conducted like this one whereby the jury will be educated as to what the law is and is not.

I will not give my opinion, nor will I conduct myself in a manner that will appear dishonorable.

I will deal only with facts and truth as is recognized by logic and the law.

You have heard it said that He who re-presents himself has a fool for a client." That will be our starting point. Why is the client a fool and not the one re-presenting the client? No one ever questioned this but for decades it has been quoted.

First, let's note that there are two languages spoken in court, legalese and English. All laws of this country are written in legalese, including the Constitution, Acts of Congress, Statutes and Codes.

That simply means you must be aware that the legal dictionary or legalese dictionary must be consulted when examining words.

For instance, "Person" or "Individual," many may say those are simple or easy terms. "I am a person, my dog is not." They will say that's how I will explain what a person is.

Now I will diverge for just a moment and explain a few things. Distraction and interruptions. I will be interrupted throughout these proceedings, not because I'm wrong or I'm bringing up a point not allowed by law but to distract, to cause a disruption in thought. Please not that this is a common practice by the court and the attorneys against those who speak for themselves in court. As I have sat as an observer through thousands of court proceedings over the past 24 years, I have seen this technique utilized in every instance, without exception. You can rest assured it will be aggressively utilized here.

I apologize that these here will resort to tactics and not allow for a fair and impartial hearing on the facts to be heard. I will do my best to remain respectful and in honor before you as a respectful member of the American public.

Back on the point of the word "Person." Did you know that the law considers my client, the accused – why do I refer to the accused as being some other than myself? Well, let's look up the definition of "Person" and "Individual" and see how the law views it.

Person – 3 sources – UCC, USC, Dictionary.

Individual – 3 sources

Notice the law says what it considers a Person to be. So let's look up a case, FCC v. ATT. Knowing this case, the Supreme Court utilizes the phrase "Legal Person" to distinguish it from the "natural person." Why would they do that? Because the issue was that ATT was refusing to produce certain records and the Supreme Court stated that the corporation, although being persons could not claim personal 5th Amendment privilege, as corporations had no personal rights as a natural person maintains.

Is it a big deal whether or not the court is attempting to charge me, the Real Living Man or a fictional creation, as such would go the very foundation of the charge and claim.

We will discuss more on that later. The next issue is venue and jurisdiction, two more important and distinct legal terms. The law holds that once jurisdiction has been challenged, it must be proved by

the court on the record. So the question was to the court: "What is the jurisdiction of the instant matter." And the response was the court had jurisdiction. So it was reiterated. "What specifically is the jurisdiction of the instant matter?"

Not once in the more than ten (10) times has the question been answered in a manner detailing the jurisdiction. More on that later.

The court and the attorney will lead many to believe that neither of the two questions matter. That is interesting. One must think, can one call a car a car if it has no engine or tires? Or a dog a dog if it has wings and fins and flies and lays eggs? A dog is a dog and a duck a duck. And as indicated here, jurisdiction must be by proof, proved to exist, not assumed.

My portion of the trial will be to call an unusual witness to the stand, "The Law." No theatrics, no grand-standing, just the law and a legal expert at law to help with a thorough explanation.

We will prove by what is law and what is not, by use of court cases and Supreme Court decisions and the actual law itself.

Clean Hands.

Many of you may not have ever heard of the doctrine of un-clean hands or Clean Hand Doctrine. It simply means all sides must conduct themselves in good faith, honor, honesty or they cannot prevail.

So if I were to lie or state something as truth, knowing it to be false, I have demonstrated unclean hands and by law cannot prevail.

When I bring up things like the Clean Hands Doctrine or Good Faith or the law being written in a foreign language known as legalese, you will find very little resistance because those here who are students of law, the judicial officer and the opposing counsel, are aware of these laws, doctrine, and their validity. But you are not. And by law you have the right to be informed.

You might be saying, what does that have to do with the case? Everything. It goes to whether or not there is a case recognized under law. If the case is properly charged, has due process been afforded, are the actors (judge, accused and attorneys) who they claim they are.

For instance, *Simm v. Ahrens and Shware vs. The Board of Examiners*, the Supreme Court stated clearly "that no state can license the practice of law." That is a direct quote. But wait. If no State can license the practice of law, aren't all attorneys licensed to practice law?

How do they get away with this? Why, even judges are licensed to practice law – by the state they are admitted in to the BAR.

They do it under the term "Jurisdiction."

That is why jurisdiction is so important. You see, without jurisdiction – let's see what the law has to say about that. (enforcing statutes) (cannot confer jurisdiction) (null and void) (ministerial clerks)

The court and opposing counsel will attempt to prevent this from being brought to light, but cannot, as by law once jurisdiction is challenged, it must be proved to exist. The burden shifts to the court, since the court has refused, I am by default permitted to introduce the following:

That the court is not what it purports to be, that the judicial officer is not a judge as described in law, and by law cannot be considered a judge.

That the prosecuting attorney is not a representative of the U.S.A. For to be such, he must have a waiver and a bond, must file notice of good standing into the case and do so at the commencement of the case. He has not done so to date.

If the judge is not considered a judge under law, what is the identity and title of the person acting as judge? Case law says . . .

Do not take my word for it. Notice the several cases which make such clear.

The Supreme Court makes clear no state can license the practice of law. So, how are these two licensed to practice law standing in reference this matter?

“Administrative Procedures Act”

Not law, but designed for corporations, administrations, instrumentalities, state agencies.

Notice – Code of Federal Regulations CFR
Military Code of Conduct
United States Code
Uniform Commercial Code
California Penal Code
Revised Statutes

All Administrative Law

The Code is not laws. The courts have repeatedly stated so on the record, yet people are being charged with violation of codes and not violations of law.

We will get into the proof of this during the accused’s moment to present their claim.

There will be reference to presenting arguments and statements. For one to remain in honor, they cannot argue. It is against the rules. So when you hear “are you ready to present your argument, it is purposely designed to mislead. To argue is contemptible, and the actors – judicial officers or officers of the court know that if one argues he loses the battle. But under Administrative Law, the officers of the court (judge and all licensed attorneys) can lie and not be held liable as they are not under oath or bound by requirement to tell the truth as they may only represent the interest of the agency. But all is fair in war, or so it goes, as a result of the Oct. 6, 1917 Act, otherwise known as the “Trading With the Enemies Act” the President of the U.S. has been declaring national emergencies year after year to suspend rights, now under 12 USC 95a(2) notice.

So that is how people can have their rights ignored by those in position to protect them.

Or how a judge, nor the prosecution/attorneys are not under oath in a court setting. They have everyone believing in the illusion, the fictional world. The fictional words that say America is a democracy. America has never been and will never be a democracy – “And to the Republic for which it stands, one nation under God.”

This and Britain are Republic forms of government, modeled after Rome – all three had senates, all were Republics.

So what now? What do we do here in a matter whereby someone brings a complaint and says that it is criminal and the charge punishable under law. We make them prove it, every aspect. We hold them to the Burden of Preponderance of evidence. We keep them from distracting, sleight of hand, interruption, outbursts. We highlight actual law. We use the law against those who make believe code is law.

Back to Clean Hands

From the beginning, I have announced my innocence. I have demanded a speedy trial, discovery, copies of transcripts, of bonds. Oh, yeah, each case in this court has a purported bond associated with it and the bond is insured and traded on the market. We shall prove such. But under the rules, this matter may not be before private interest, for profit, the officials must be impartial with no vested interest.

Discovery requires that all requested materials be provided within 30 days of request. They have now 190 days past, have failed to provide discovery. They have been ordered 4 times to provide and have ignored court orders. That will help you all to see that this is not a court of constitutional law but administrative regulations.

Thus far, we have alluded to what the position of all parties are. Now the requirements.

The 5th Amendment requires full disclosure of all charges, the right to due process, the right to a fair trial, the right to an impartial trial by a jury competent and fully informed.

The 6th Amendment requires access to the court be unimpeded. The right to counsel of choice, not attorney of choice, as is outlined in Miranda vs. Arizona where we get the Miranda Rights.

The 7th Amendment outlines that all matters with a value of \$20 or more the right to a common law trial, under common law rules, before a common law jury is secure.

The 1st Amendment guarantees the Right to Redress.

The 8th Amendment guarantees the Right to Bail.

The 10th Amendment guarantees the Rights Retained by the People.

On arrest, I was placed in isolation without the mandatory write-up, mandatory hearing. I was released into the general population nine (9) days later. I was not given access to telephone, mail, case law or medication. I was denied of all the requirements for every pre-trial detainee.

Five (5) days later I was placed back in solitary confinement and blockage of the same.

Thirty (30) days later I was placed under 24 hour lockdown (which is illegal) for 52 continuous days. Access to mail, case law, medication, adequate meals and medical supply were severely restricted.

I was placed back in solitary confinement, same denial of access. Nine (9) days later transferred by plane from Puerto Rico to Atlanta, Georgia. Access to phone, mail, improved, but medical and private property remained blocked, limited discovery was finally delivered, but case law and personal notes, mp3

player bought from facility with over 300 paid for songs \$85.00 worth of commissary stolen for the second time.

Thirty (30) days later taken back to Puerto Rico, held in shackles and chains for 14 hours, then five (5) hours after chain removal placed back in restraints. But this time placed in what they call "the box." The box is just that, a metal box placed between the cuffs to restrict movement. No one gave a reason, but as there were no documented reasons for this, it could only have been in retaliation for complaining about the unlawful treatment.

Pleading with them to acknowledge the special handling order on file and to understand that my DNMD (particular form of muscular dystrophy) is one of the most painful, affecting shoulders, arms, calves and legs, that I do not take pain relievers, but rely on relaxation exercises to ease pain, that those restraints were overly restrictive and would prevent me from massaging the muscles and that my arms can only be immobile for up to 30 minutes at a given time. They did not care!!

So as I now started to feel light-headed and was having pain in the chest; several others (63 people in a 20-man cell for holding) were experiencing the same symptoms, I noticed the staff I have suffered three strokes and two heart attacks, I'm dizzy, light-headed and am experiencing chest pain, I need medical to check my blood pressure, I believe it is elevated. They refused for 30 minutes. The ignored me. I then insisted and told them I cannot take the chance of having another stroke so I must demand to be seen by medical. "You people don't understand, I've been without meds for two days and I'm having trouble tuning out the pain. I need to speak with medical now." Finally medical came and took my blood pressure. It was 160 over 116; 154 over 114, 148 over 109, normal is 130 over 86.

The promise was made to give muscle relaxant on plane, but they never did. Two days, no sleep, the 3-hour plane ride was extremely uncomfortable, as the pain in my arm would not allow for sleep. Three times a request was made to speak to the nurse and three times ignored.

Miami Detention Center informed me that I was a high security risk. I told them, "That's funny. I was just in Atlanta and for 30 day no incident, no issues. Plus my trial starts in 2 weeks. Such information was not brought to my attention. Yesterday I flew without this box but today I'm a high security risk? That's interesting."

There could only be two reasons for this new classification.

1. Trial was set to start. I had stated I would be calling the presiding judge as my expert legal witness and was moved to Atlanta. Subpoenas never returned by the clerk of the court as rules require. Legal and private property not given to me.
2. People noticed my receiving legal letters, would ask questions of a legal nature. I would inform them everything must be hypothetical as to protect them. I would inform them by way of this case law I now had received from staff and tell them of options available.

Jails frown on jailhouse lawyers although the courts recognize a jailhouse lawyer – the actual legal term, has the right to assist others in their legal matters. A case of prime importance in Bond vs. U.S., right to be tried in correct jurisdiction, prepared by jailhouse lawyer, and won by Bond.

The staff said that I was a threat to the Administration and they placed me in Administrative Segregation as punishment.

No case files, no evidence, nothing, just a yellow writing pad and pencils. Half of the prescribed medication, no phone calls for 8 days, no mailings. Note the counsel and his office responsible for all of the illegal activity. And later we will find out that the court sanctions such activities by way of employment.

Now one cannot accuse one of a crime without proof. I can assure you that all of the proof is in the record of this matter and case law.

The issues of Relevance

There are those who say the only issue here is "Did you register."

But there are more than one issue. Due process, fairness of trial, the right to witnesses, the right to jurisdiction being stated by proof on the record.

Case in point. The charge is 18 USC § 2250 and it is very specific as it says "It is a matter of interstate commerce," but that is commercial law. How does Congress mix revenue law with failure to register? So there are more issues as demonstrated by the law, the charge and the Constitution.

For further instance:

Was one required to register? Is the law requiring registering a valid and enforceable law? On whom does the law apply? Good faith and credit? Contractual plea agreements? Who can enforce such laws? Does the law require notification of crime before arrest warrant is issued?

We will take a journey into a zone that would make Rod Sterling rethink Reality called The American Legal System." And by the time this is over, you and the world will come to know who a Defendant is, why the use of words like "charges," "True Bill," "judicial officer." As all of these words – legal terms – have a "different" legal meaning than the English word of similar or like spelling.

Others have attempted to articulate these very same points only to be shot down by the actors at law. So it was necessary to get those actors to highlight, bring out certain points and issues so as to say the foundation has been laid.

My apology to all of you in advance for two reasons:

1. Because the payment for your services are less than that of a slave. You are doing a vital service and should be compensated so as to not have a jury angry due to the amount of time taken from their lives.

2. Because of my DNMD (muscular dystrophy) and the lingering damage cause by doctors I grow fatigued and it becomes difficult for me to focus, monitor pain and be of effect after 12:30 p.m. or so. We are awakened at 4 a.m. to arrive here by 8:30 a.m. and this will happen every day that we are here. So my fatigue will most likely start sooner than 12:30 p.m. but so as to not inconvenience any of you more than necessary, I will stomach it.

We will probably be here four days at the most. It depends on how quickly we can get through each day. I can say that all of you should be home before rush hour, at least that is my hope.

Thanks to each of you for your time and contribution, I assure you it will prove invaluable.

I will be utilizing my laptop, as most of the case law and evidence is readily accessible on the internet on official sites and because my legal access has actively been blocked we will be able to present the materials in an organized fashion.

So, once again, I am Brett Bin Isaac, otherwise known as the natural man Brett Jones Theophilious without the capital letters, but a breakdown on that as we go forward.

I shall and will remain in honor as I am a peaceful member of mankind, aiding my neighbor through love and kind assistance. If I step out of that position, I will humbly apologize and return to that state. Thank you.